

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Angela Michele Davis
Debtor(s)

Bankruptcy Case No.: 15-10005-TPA
Per November 28, 2017 Proceeding
Chapter: 13
Docket No.: 86 – 81, 82
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 13, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: 1) Fee Application needed if fees (including retainer) exceed \$4,000.00. 2) The secured claim(s) of the following Creditor(s) shall govern as to pre-petition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record: Green Tree Servicing (Claim No. 5)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 5, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Angela Michele Davis
 Debtor

Case No. 15-10005-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 32

Date Rcvd: Dec 05, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 07, 2017.

db +Angela Michele Davis, 327 West 23rd Street, Erie, PA 16502-2621
 cr Springleaf Financial Services of Pennsylvania, Inc, c/o Craig H. Fox, Esquire,
 One Montgomery Plaza, Suite 706, 425 Swede Street, Norristown, PA 19401
 13976292 +Albank, Po Box 965005, Orlando, FL 32896-5005
 13976294 +Bank of America, Attn: Correspondence Unit, CA6-919-02-41, PO Box 5170,
 Simi Valley, CA 93062-5170
 13976295 +Barclays Bank Delaware, 125 South West Street, Wilmington, DE 19801-5014
 13976296 Capital One / Boscov, PO Box 5238, Carolstraine, IL 61907
 13976297 +Chase, Po Box 15298, Wilmington, DE 19850-5298
 13976298 +Comenity Bank / Bon Ton, 3100 Easton Square Plaza, Columbus, OH 43219-6232
 13976300 +Diversified Adjustments, 600 Coon Rapids Boulevard, Coon Rapids, MN 55433-5549
 13976305 +KML Law Group, PC, BNY Independence Center, 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 13976309 ++NATIONWIDE INSURANCE, SERVICE OF PROCESS TEAM, THREE NATIONWIDE PLAZA, MAIL CODE 3-11-310,
 COLUMBUS OH 43215-2410
 (address filed with court: Nationwide Insurance, 1 West Nationwide Boulevard,
 Columbus, OH 43215)
 13976310 +OSI Collection, 200 South Executive Drive, Third Floor, PO Box 933,
 Brookfield, WI 53008-0933
 13976312 +Pnc Bank, Attn: Bankruptcy, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 13976313 +Progressive Insurance Company, 6300 Wilson Mills Road, Cleveland, OH 44143-2182
 14007601 +Springleaf Financial Services of Pennsylvania, Inc, c/o Craig H. Fox, Esquire,
 Fox and Fox Attorneys at Law, P.C., 425 Swede Street, One Montgomery Plaza, Suite 706,
 Norristown, PA 19401-4852
 13976314 +St Vincent Hospital, 232 West 25th Street, Erie, PA 16544-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14 Ditech Financial LLC,
 PO BOX 0049, Palatine, IL 60055-0001
 13976299 +E-mail/Text: bankruptcy_notifications@ccsusa.com Dec 06 2017 02:00:13
 Credit Collections Service, Po Box 773, Needham, MA 02494-0918
 13986221 +E-mail/Text: csbankruptcy@eriewaterworks.org Dec 06 2017 02:00:07 Erie Water Works,
 Collection Department, 340 West Bayfront Parkway, Erie PA 16507-2004
 13976301 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:56:17 GE Capital Retail Bank,
 Attention: Bankruptcy, PO Box 103106, Roswell, GA 30076-9106
 13976302 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:56:00 GE Capital Retail Bank / JCPenney,
 Attn: Bankruptcy Dept, PO Box 103104, Roswell, GA 30076-9104
 13976303 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:56:00 GE Capital Retail Bank / Old Navy,
 Attention: GEMB, PO Box 103104, Roswell, GA 30076-9104
 14003403 E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14 Green Tree Servicing LLC,
 PO BOX 6154, Rapid City, SD 57709-6154
 13976304 +E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14 Green Tree Servicing LLC,
 PO Box 6172, Rapid City, SD 57709-6172
 13976306 E-mail/Text: bnckohlsnotices@becket-lee.com Dec 06 2017 01:59:08 Kohls / Capone,
 N56 West 17000 Ridgewood Drive, Menomonee Falls, WI 53051
 13976307 +E-mail/Text: bankruptcydpt@mcme.com Dec 06 2017 01:59:37 Midland Funding LLC,
 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
 13976308 +E-mail/Text: Bankruptcy@natfuel.com Dec 06 2017 01:59:38 National Fuel, 1100 State Street,
 Erie, PA 16501-1912
 13976311 +E-mail/Text: bankruptcyntices@psecu.com Dec 06 2017 02:00:05 P S E C U,
 Attention: Bankruptcy, PO Box 67013, Harrisburg, PA 17106-7013
 13980216 E-mail/PDF: cbp@onemainfinancial.com Dec 06 2017 01:55:59 Springleaf Financial Services,
 PO Box 3251, Evansville, IN 47731
 13976293 E-mail/PDF: cbp@onemainfinancial.com Dec 06 2017 01:56:16 American General Financial,
 Attention: Bankruptcy, PO Box 3251, Evansville, IN 47731
 13976315 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:55:44 Synch / Qvc, PO Box 965018,
 Orlando, FL 32896-5018
 13976316 +E-mail/Text: WFB.Bankruptcy@cabelas.com Dec 06 2017 02:00:18 Worlds Foremost Bank NA,
 4800 Nw 1st Street, Suite 300, Lincoln, NE 68521-4463

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ditech Financial LLC fka Green Tree Servicing LLC
 cr The Bank of New York Mellon, f/k/a The Bank of Ne
 cr* ++GREENTREE SERVICING LLC, BANKRUPTCY DEPARTMENT, P O BOX 6154, RAPID CITY SD 57709-6154
 (address filed with court: GREEN TREE SERVICING LLC, PO BOX 6154,
 RAPID CITY, SD 57709-6154)

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 32

Date Rcvd: Dec 05, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 07, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 5, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor The Bank of New York Mellon , f/k/a The Bank of New York, et al agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
Craig H. Fox on behalf of Creditor Springleaf Financial Services of Pennsylvania, Inc. cfox@foxandfoxlaw.com, bankruptcy@foxandfoxlaw.com;foxandfoxattorneysatlaw@gmail.com
Daniel P. Foster on behalf of Debtor Angela Michele Davis dan@mrdebtbuster.com, clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor The Bank of New York Mellon , f/k/a The Bank of New York, et al bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6